

REMARKS

Claims 1-4 are pending in this application. By this Amendment, claims 1 and 4 are amended for clarity and to even further distinguish over the applied references. Support for the amendments to claims 1 and 4 can be found at least at paragraphs [0079]-[0082], Table 2 and Fig. 8 of the specification. No new matter is added.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Culbert in the December 8, 2009 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

Claims 1, 2 and 4 are rejected under 35 U.S.C. §103(a) over Applicants' alleged admitted prior art (AAPA) in view of Watanabe et al. (U.S. Patent No. 5,182,140) and in further view of Higuchi et al. (U.S. Patent No. 4,293,357). The rejection is respectfully traversed.

AAPA, Watanabe, and Higuchi, alone or in a permissible combination, fail to teach and would not have rendered obvious every claimed feature of independent claims 1 and 4. For example, the above-applied references fail to teach and would not have rendered obvious "a porosity of the filter catalyst with pore diameters between 1 μm to 20 μm is 12.53% to 13.29% and the porosity of the filter catalyst with pore diameters between 20 μm to 70 μm is 27.11% to 28.03%," as recited in independent claims 1 and 4.

Applicants' representative argued the novelty of the above feature at the December 8, 2009 personal interview. Although the Examiner tentatively acknowledged that the above-applied references do not explicitly teach the above feature, the Examiner initially asserted that the above range is an optimizable element and requested that the Applicants provide evidence of the criticality of the above range.

As discussed during the personal interview, the claimed ranges of porosity are not "optimizable elements." A claimed range is not optimizable if the range is critical to the

invention (see MPEP §716.02(d)(II)). As disclosed in paragraphs [0079]-[0082] of Applicants' specification, the above ranges of porosity are critical because they allow the coating of the slurry to be uniformly coated on the surfaces of the catalyst, including the inside of the pores. The above ranges of porosity also allow for capturing and processing a greater amount of particulates (see, for example, paragraph [0082] of Applicants' specification). Because the ranges of porosity recited in claims 1 and 4 are critical, they are not merely optimizable elements.

For at least these reasons, independent claims 1 and 4 are patentable over the above-applied references. Claim 2 depends from independent claim 1. Therefore, claim 2 is patentable for at least its dependency on independent claim 1, as well as for the additional features it recites. Applicants thus respectfully request withdrawal of the rejection.

Claim 3 is rejected under 35 U.S.C. §103(a) over AAPA in view of Watanabe and Higuchi and further in view of Nakamura et al. (JP 2002-204958). The rejection is respectfully traversed.

Claim 3 depends from claim 1, which is now believed to be in condition for allowance. Therefore, claim 3 is patentable for at least its dependency on independent claim 1, as well as for the additional features it recites. Applicants thus respectfully request withdrawal of the rejection.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Petition for Extension of Time
Request for Continued Examination

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